

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SAFE HARBOR RESTORATION, LLC,

Plaintiff/Counterdefendant,

v.

STATE FARM FIRE & CASUALTY CO. and
SAM THANKACHEN,

CIVIL CASE NO. 09-14874

HON. MARIANNE O. BATTANI

Defendants,

and

STATE FARM FIRE & CASUALTY CO., as
subrogee of Bank of America; or in the
alternative, Sam Thankachen and/or Patrick
Vancura,

Counterplaintiff/Third Party Plaintiff,

v.

MARK SHKRELI, an individual; and JOHN
DOE STAIR BUILDER,

Third Party Defendants.

ORDER GRANTING DEFAULT JUDGMENT

This matter is before the Court on Plaintiff/Counterdefendant Safe Harbor Restoration, LLC's (Safe Harbor) Motion to Compel Discovery (Doc. No. 24). The Court heard oral argument on June 23, 2010. For the reasons stated on the record, the Court enters default judgment as to Defendant Sam Thankachen pursuant to FED. R. CIV. P.

37 (b)(2)(A) (vi) and Rule 37(d)(3).

Rule 37(b) provides in relevant part that when a party “fails to obey an order to provide or permit discovery,” the court may make such orders as are “just.” FED. R. CIV. P. 37(b)(2)(A). Under the Rule, the Court may issue orders, which include, but are not limited to “rendering a default judgment against the disobedient party”. FED. R. CIV. P. 37(b)(2)(A)(vi). Here, Thankachen has failed to comply with discovery, failed to comply with this Court’s orders, failed to respond to Safe Harbor’s motion, and failed to appear at the hearing on the motion.

Accordingly, Safe Harbor is entitled to judgment in the amount of \$96,000, as well as costs and attorney fees in the amount of \$1500.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATED: June 24, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served upon counsel of record and Sam Thankachen on this date by ordinary mail and/or electronic filing.

s/Bernadette M. Thebolt
Case Manager